

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

MASSACHUSETTS INSTITUTE OF  
TECHNOLOGY,

Plaintiff,

V.

HARMAN INTERNATIONAL INDUSTRIES,  
INCORPORATED,

Defendant.

Civil Action No. 05-10990-DPW

## JOINT STATEMENT

Plaintiff, Massachusetts Institute of Technology (“MIT”) and Defendant, Harman International Industries, Inc. (“Harman”), submit this joint statement in accordance with Local Rule 16.1(D), and the Court’s September 19, 2005 request, in advance of the Scheduling Conference before the Court on October 20, 2005, at 2:30 p.m. Counsel for the parties conferred on October 10, 2005, and thereafter.

## I. Proposed Agenda for Scheduling Conference

MIT and Harman agree on the following agenda items:

A. This Court’s ruling on Harman’s Motion to Dismiss, in light of the Chicago Court’s dismissal of Harman’s suit in the Northern District of Illinois (notice of which was filed with the Court on August 18, 2005 as Docket Entry No. 25)

B. Further scheduling of case management deadlines, beyond those already set by Court in October 10, 2005 Order

**II. Joint Proposed Schedule For Completion Of Case Schedule Through Trial**

Pursuant to Rule 26(f) and Local Rules 16.1(d)(1) and (2), the parties' proposed discovery and motion schedule is listed in the table below, for those dates not already set by the Court in its October 10, 2005 Scheduling Order. The only date upon which the parties have not agreed is the timing of *Markman* briefing and, if necessary, a hearing. The parties understand from the last status conference that the Court will revisit setting this *Markman* Hearing at a later date.

<b><u>Discovery/Motion</u></b>	<b><u>Joint Proposed Deadline</u></b>	
<b>Identification of Opening Experts for Issues on which party bears the Burden of Proof</b>	March 17, 2006	
<b>Identification of Rebuttal Experts</b>	April 14, 2006	
<b>Close of Fact Discovery</b>	April 21, 2006	
<b>Opening Expert Reports for Issues on which party bears the Burden of Proof</b>	May 19, 2006	
<b>Rebuttal Expert Reports and Start of Expert Depositions</b>	June 16, 2006	
<b>Close of Expert Discovery</b>	July 14, 2006	
<b><i>Markman</i> Hearing, If The Court Deems One Necessary</b>	<b>June 2006 (MIT's Proposal)</b>	<b>February 2006 (Harman's Proposal)</b>

<b>Dispositive Motions and <i>Daubert</i> Motions</b>	August 25, 2006
<b>Oppositions to Dispositive Motions and <i>Daubert</i> Motions</b>	September 15, 2006
<b>Exchange exhibit list, witness list, uncontested facts, proposed <i>voir dire</i></b>	October 6, 2006
<b>Exchange and file any Pre- trial Memorandum, Motions <i>in Limine</i>, and proposed Jury Instructions</b>	October 27, 2006
<b>Final Pre-Trial Conference</b>	November 2006
<b>Trial</b>	At the Court's Convenience

Dated: October 14, 2005

Massachusetts Institute of Technology,

*By its attorneys,*

/s/ Steven M. Bauer

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Respectfully submitted,

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